Will—Construction—Gift of Capital and Accumulations of Income at Twenty-Six—Gift Whether Vested or Contingent.—In re Nunburnholme, Wilson *v.* Nunburnholme (1911) 2 Ch. 510. The question in this case was whether a legacy was vested or contingent. By the will in question the testator bequeathed certain shares in a company to trustees upon trust out of the income thereof to pay the testator's son £3,000 per annum until he should attain twenty-six, and as soon as he should attain that age to hold the shares and the accumulations of interest upon trust for his son absolutely. There was no gift over. The son survived the testator, but died at the age of twenty-three. In these circumstances Neville, J., held that the gift was vested, as it was intended, as a whole, to be solely for the son's benefit. He approved the dictum of Wood, V.-C., in Pearson *v.* Dolman (1866), L. R. 3 Eq. 315, 321, and distinguished the case from Vandry *v.* Geddes (1830), 1 Russ. & My. 2033, where a gift to a class was in question.

Sale of Goods—Market Overt—Custom of City of London—Shop—Auction Room—Trover—Demand and Refusal before Writ.—In Clayton *v.* Le Roy (1911) 2 K. B. 1031, the facts were somewhat strange and peculiar. The defendants had sold to the plaintiff a watch, which was subsequently stolen and the defendant was informed of the theft. Later the watch was sold at auction with a number of other unredeemed pawnbroker's pledges. The sale took place on the first floor of a building in the city of London in a room used solely for auction sales of all classes of goods. Shortly afterwards the watch was purchased at a jeweler's shop in the country by a Mr. Burnett, who sent it to the defendant for an opinion as to whether it was a genuine antique watch. The defendant wrote to Burnett informing him that the watch had been stolen, and also to the plaintiff, and inquired as to their wishes in the matter. No answer was sent by the plaintiff, but a few days afterwards the plaintiff's solicitors' clerk called on the defendant, and on being shown the watch demanded that it should be then and there given up to him for the plaintiff, and on the defendant's refusal to give it up, served him with the writ of summons in the action in detinue which had been issued two hours previously. Scrutton, J., who tried the action held that the auction room was not a market overt within the meaning of the custom of the city of London whereby each shop where goods are usually sold in the city is deemed a market overt; and he gave judgment for the plaintiff. But the Court of Appeals (Williams, Moulton, and Farwell, L. JJ.), without deciding the question of market overt, held (Williams, L. J., dissenting) that there had been no wrongful refusal on the part of the defendant to return the watch before the issue of the writ, and consequently the plaintiff had no cause of action either in detinue or trover.—Canada Law Journal (Jan., 1912).